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82(Amended). A method of claim 17 wherein said woman is undergoing a hormonal protocol to produce a mock cycle.

### REMARKS

#### Status of the claims

Claims 1-24, 37-53, 64-82 and 83-113 are in the application.

Claims 1-24, 37-53, 81 and 98-113 have been allowed.

Claims 64-80 and 82-97 have been objected to.

By way of this amendment, claims 64 and 82 have been amended, or in the alternative, the previous amendment has been clarified.

Upon entry of this reply, claims 1-24, 37-53, 64-82 and 83-113 remain in the application.

#### Summary of the Amendment

Claim 64 and 82 have been amended or the earlier amendment has been otherwise clarified in order to clearly reflect that the underlined text appearing in the clean copy of the claims submitted in the previous amendment was a typographical error and no underlining was intended in the claim.

#### IDS Missing from File Wrapper

The Official Action indicates that IDS submitted by Applicant on June 29, 2001 (mailed by Applicant June 26, 2001) was missing from the file wrapper. A duplicate copy of that IDS, copies of references cited therein and a copy of the date stamped return post card indicating receipt by the USPTO in June 29, 2001 are provided herewith. An initialed Form 1449 is requested.

A review of Applicant's file indicates that no initialed Form 1449 was received for the IDS filed June 8, 2001. A duplicate copy of that IDS, copies of references cited therein and a copy of the date stamped return post card indicating receipt by the USPTO in June 13, 2001 are provided herewith. An initialed Form 1449 is requested.

#### Objection to the claims

Claims 64-80 and 82-97 are objected to because the clean copy of claims submitted in the previous amendment filed January 22, 2003 included an underlined semicolon in claim 64 and an underlined period in claim 82. Applicant submits herewith an amendment of these

claims indicating deletion of the underlined punctuation marks and replacement with non-underlined punctuation marks. Alternatively, Applicant's wish to otherwise confirm that there was no intention for the punctuation marks to be underlined and the underlining in the clean copy was a typographical error. The correct presentation of claims 64 and 82 is as set forth in the clean copy of the claims provided herewith. Applicant respectfully requests that the objection to claims 64-80 and 82-97 be withdrawn.

**Conclusion**

Claims 64-80 and 82-97 are now in condition for allowance.

Applicant respectfully requests that a Notice of Allowance be provide indicating Claims 1-24, 37-53, 64-82 and 83-113 are allowed.

Applicant respectfully requests that initialed Forms 1449 for IDS's mailed June 8, 2001 and June 26, 2001 be forwarded to Applicant.

The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,



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Registration No. 33,229

Date: *Jun 20, 2003*

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Attachments: Copy of Information Disclosure Statement filed June 8, 2001 including PTO Form 1449 (8 pages), copies of 81 references and return post card date-stamped by PTO

Copy of Supplemental Information Disclosure Statement filed June 26, 2001 including PTO Form 1449 (1 page), copy of 1 reference and return post card date-stamped by PTO

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

64 (Amended). A method of diagnosing an abnormality in endometrial glandular development in a woman suspected of being infertile comprising the step of:

detecting expression of cyclin E in the nuclei and/or the cytoplasm of endometrial gland cells in an endometrial tissue sample from on or after day 20 of an idealized 28 day menstrual cycle from said woman[;] ;

wherein

expression of cyclin E in the nuclei of greater than 5% of the gland cells indicates endometrial glandular developmental arrest, and/or

expression of cyclin E of greater than 1+ staining intensity in the cytoplasm of greater than 10% of the gland cells indicates endometrial glandular developmental arrest.

82(Amended). A method of claim 17 wherein said woman is undergoing a hormonal protocol to produce a mock cycle[.] .

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**Paper:** Information Disclosure Statement (in duplicate) w/ first class stamp; USPTO-1449 (8 pages); 84 references cited/ 81 references submitted; return postcard

**Applicant(s) :** Harvey J. Kliman et al.

**Title:** METHODS OF DIAGNOSING AND MONITORING  
ENDOMETRIAL GLANDULAR DEVELOPMENT

**Serial No.:** 09/801,470

**Filed:** March 8, 2001

**Docket No.:** KLI-0002

**Date Sent:** June 8, 2001

RSQ/H.S. Kite

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